

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

MICHAEL ANTHONY HARRIS

*Plaintiff*

v.

FIRST ADVANTAGE BACKGROUND  
SERVICES CORP.

*Defendant*

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CASE NO. 4:17-cv-01557

**AGREED MOTION AND STIPULATION TO  
CONTINUE INITIAL PRETRIAL AND SCHEDULING CONFERENCE**

Undersigned Plaintiff and Defendant file this agreed motion to continue the initial pretrial scheduling conference as follows:

Pursuant to the Court's Order for Conference and Disclosure of Interested Parties (Dkt. No. 4), the initial pretrial and scheduling conference is set for September 15, 2017 at 10:00 a.m. Attorneys for both Plaintiff and Defendant are set for trial out of town during the week of September 15, 2017. Moreover, Defendant intends to soon file a motion to strike Plaintiff's Amended Complaint (Dkt. No. 18) that, if granted, would result in Plaintiff's Original Complaint (Dkt. No. 1) operating as the live pleading and Defendant's Motion to Dismiss (Dkt. No. 11) as pending.

In light of the trial schedules of counsel and the motion described above, the parties have conferred and respectfully request a continuance until October 2, 2017 or October 4, 2017 if those dates are available for the Court. Otherwise, counsel could be available for the conference on a date convenient for the Court after October 4, 2017.

By moving to postpone the initial pretrial and scheduling conference, Plaintiff and Defendant do not waive any rights or defenses that may be available to any of them and do not concede that the allegations in the Complaint or the Amended Complaint state a valid claim.

Respectfully submitted,

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Background Services Corp.***

**and**

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*Counsel for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing on all counsel of record by causing a copy of the same to be filed electronically through the Court's ECF system which will automatically send email notification to:

Micah S. Adkins  
MicahAdkins@ItsYourCreditReport.com

This 16<sup>th</sup> day of August, 2017.

/s/ David E. Wynne  
David E. Wynne